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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,655	05/30/2001	Kazuyuki Iwata	010645	5148

23850 7590 03/12/2003

ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,655

Applicant(s)

IWATA ET AL.

Examiner

Julie K Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-6, 8, 11-14 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukamoto et al. (5,768,952).

Regarding claims 1, 8 and 14, Tsukamoto et al. discloses a case member mounting structure (see fig. 4) for a transmission comprising a case member (15) fitted onto a differently shaped device body, an outer circumferential portion of the case member being fastened to a device body by a plurality of fasteners (79), the case member and the device body making a first contact between a contact surface of the outer circumferential portion of the case member and an outer wall surface of said device body on which said case member is fitted, at least one projecting portion (16f) formed on one or both of an inner surface of the case member and the outer wall surface of the device body to make an additional contact between said case member and said device body (see fig. 4), and a seal member (73) is provided on a contact surface at a distal end of said projecting portion (16f).

Regarding claims 4-6 and 11-13, Tsukamoto et al. discloses a case member mounting structure wherein said contact surfaces of said distal ends of said projecting portions (16f) lie in a

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common plane to said outer wall surface of said device body (a) and they lie in a plane different from the plane of said inner wall surface of said case member.

3. Claims 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Daihatsu Motor Co. (JP 08061111 A).

Regarding claim 20, Daihatsu discloses a case member for covering a driving force transmission mechanism characterized in that a maintenance cover (1) is provided to be detachably mounted at a maintenance opening formed in said transmission mechanism, said maintenance cover comprising a mount portion (6,12) and that a harness of a sensor (5) attached to a case member that is integral with said maintenance cover (see fig. 1).

Regarding claim 21, Daihatsu discloses a hold portion (see fig. 1) of said maintenance cover is formed along a surface which inclines from an outer circumferential portion of said maintenance cover toward a side surface of said cover.

Regarding claim 22, Daihatsu discloses said sensor is a sensor for detecting rotation of a rotary shaft and said sensor being mounted to orient toward a mounting position of said maintenance cover to said case member of said transmission, and said harness of said detecting sensor being mounted in a hold portion.

Regarding claim 23, Daihatsu discloses a bolthole (12) for mounting said maintenance cover (1) to said case member (9) by means of threaded engagement (see fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al as applied to claims 1, 4-6, 8, 11-14 and 24 above, in view of Akatsu (JP410299500A). Tsukamoto et al. discloses a case member as claimed above, but is silent as to the type of seal member used. However, Akatsu teaches a case member (12) wherein a seal member (20) is a liquid or resilient seal member coated on a contact surface at distal ends of projecting portions (see fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replace the seal member of Tsukamoto et al. with the liquid or resilient seal member of Akatsu so as to provide a more effective seal between the case member and the cover.

6. Claims 7 and 16-19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al. as applied to claims 1, 4-6, 8, 11-14 and 24 above, and further in view of MacAfee et al. (4,108,021).

Regarding claims 7 and 16-18, Tsukamoto et al. discloses a case member but does not disclose the fastening structure, as claimed. However, MacAfee et al. teaches a plurality of fastening bolt bosses (132,138) formed along an outer circumference of a case member for applying a plurality of fastening bolts, such that the case member is attached to a device body

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with said fastening bolts (14), characterized in that the surface of said case member partitioned into polygonal sections (see fig. 3) and respective polygonal sections define depressed planes and projecting planes bordered by respective sides of the polygons, wherein the sides of the polygonal sections are straight and the depressed planes and projecting planes are adjacent each other.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the case member of Tsukamoto et al. with the teachings of MacAfee et al. to partition the case into polygonal sections to provide additional support and rigidity to the case structure.

Regarding claim 19, Tsukamoto et al. discloses a seal member on a contact surface at distal ends of a projection, but is silent to a seal member around the circumference of the case member. MacAfee et al. teaches a seal member (28) applied along an outer circumference with which said case member and said body of an engine are fastened together.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the case member of Tsukamoto et al. with the teachings of MacAfee et al. to provide the projection with the same type of sealing member as the circumference of MacAfee et al. so as to provide a better seal between the projection of the case member and the contact surface of the device body.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al. as applied to claims 1, 4-6, 8, 11-14 and 24 above, in view of Hashimoto et al (4,977,870). Tsukamoto et al. discloses a case member as claimed above, but does not disclose an oil

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lubricant hole. However, Hashimoto et al. teaches an engine cover (6) with a projecting portion (see fig. 2) having a lubricant oil injection hole (46A,B).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the apparatus of Tsukamoto et al. with the teaching of Hashimoto et al. so as to provide a lubricant injection hole within the cover so as to provide a means of supplying lubricant to any necessary parts contained within the case.

Response to Arguments

8. Applicant's arguments with respect to claims 1-6, 8-14 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 16, Fig. 3 of MacAfee et al. clearly shows polygonal sections having straight sides and depressed planes that are adjacent to each other.

Regarding claim 20, the harness sensor of Daihatsu is attached to a case member through the connector (6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone numbers for the

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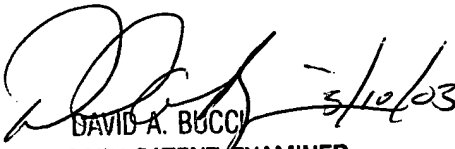
organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKS

JKS

March 10, 2003


DAVID A. BUCCINI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600